

SDDC OPERATIONS CENTER
CUSTOMER ADVISORY
July 26, 2005
CA-05-07/26-0132

Subject: The application of Title 49 Code of Federal Regulations (CFR), Parts 100-185 provisions on Department of Defense (DOD) shipments via military or commercial conveyances for surface movements.

Purpose: Advise shipping activities of the DOD's policy and requirement for DOD activities and personnel of the application of hazardous material (HAZMAT) regulatory (HMR) requirements for surface and water shipments.

Be Advised: Title 49 CFR Part 171.1(c) makes the HMR requirements applicable to DOD HAZMAT shipments unless an exception applies. 49 CFR Part 171.1(d)(5) creates an exemption to the HMR for the transportation of federal (non-commercial) shipments by conveyances operated by the Government; thereby, exempting DOD HAZMAT shipments transported by DOD personnel and equipment from the CFR requirements. Title 49 CFR Part 171.1(d)(6) exempts HAZMAT cargo transported by an individual in a private motor vehicle. 49 CFR Part 173.7 exempts DOD from HMR requirements if DOD uses procedures and processes for the packing, handling and transportation of DOD HAZMAT cargo that is equal to or better than the HMR requirements and the shipment's purpose is one of national security. The DTR, Part II, Chapter 204 provides DOD's HAZMAT transportation policy.

DOD Policy:

1. It is DOD's policy to transport HAZMAT cargo safely and securely. The DOD prohibits the transportation of DOD HAZMAT cargo by private-owned motor vehicles. By policy, DOD makes HMR requirements applicable to all DOD HAZMAT surface and water shipments transported off an installation except when the cargo is transported under a declared and certified national security special program. Therefore, DOD shipping activities, personnel and commercial carriers involved in packaging, handling and transporting DOD HAZMAT cargo must comply with the HMR requirements of 49 CFR parts 100-185 and the International Maritime Dangerous Goods Code (IMDG-C) for domestic and international shipments by surface or water conveyance unless a national security program applies. Consequently, for non-national security movements the labeling, placarding, marking, compatibility, emergency response guidance, and other HMR requirements of 49 CFR are applicable to DOD HAZMAT cargo transported by military operated or commercially operated conveyances must be in accordance with (IAW) DTR, II, subpart 204.

2. DOD policy is to only exercise the exception from HMR requirements under 171.1(d) when 49 CFR 173.7(b) is applicable; the cargo is shipped for a national security purpose and the method and procedures used to handle, package and transport the

cargo are certified by a general grade officer or equivalent to provide equal to or greater protection than the HMR requirements of Title 49 CFR.

3. As the focal point for DOD HAZMAT transportation policy, SDDC supports Combatant Commanders mission objectives; however, it is critical to transport DOD HAZMAT cargo safely and securely and protect personnel IAW regulatory guidelines and DOD service directives. DOD service directives can implement procedures that provide greater safety, security and protection to shipments other than required by Title 49 of the CFR.

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Expiration: N/A